

111TH CONGRESS
1ST SESSION

H. R. 185

To amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. SERRANO introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sewage Sludge in Food
5 Production Consumer Notification Act”.

1 **SEC. 2. NOTIFICATION TO CONSUMERS OF FOOD PROD-**
2 **UCTS PRODUCED ON LAND ON WHICH SEW-**
3 **AGE SLUDGE HAS BEEN APPLIED.**

4 (a) ADULTERATED FOOD UNDER FEDERAL FOOD,
5 DRUG, AND COSMETIC ACT.—Section 402 of the Federal
6 Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amend-
7 ed by adding at the end the following:

8 “(j)(1) Effective one year after the date of the enact-
9 ment of the Sewage Sludge in Food Production Consumer
10 Notification Act, if it is a food (intended for human con-
11 sumption and offered for sale) that was produced, or con-
12 tains any ingredient that was produced, on land on which
13 sewage sludge was applied, unless—

14 “(A) the application of sewage sludge to the
15 land terminated more than one year before the date
16 on which the production of the food or ingredient on
17 the land commenced;

18 “(B) the food bears a label that clearly indi-
19 cates that the food, or an ingredient of the food, was
20 produced on land on which sewage sludge was ap-
21 plied; or

22 “(C) in the case of a raw agricultural com-
23 modity or other food generally offered for sale with-
24 out labeling, a sign is posted within close proximity
25 of the food to notify consumers that the food, or an

1 ingredient of the food, was produced on land on
2 which sewage sludge was applied.”.

3 (b) ADULTERATED FOOD UNDER EGG PRODUCTS
4 INSPECTION ACT.—Section 4(a) of the Egg Products In-
5 spection Act (21 U.S.C. 1033(a)) is amended—

6 (1) by striking “or” at the end of paragraph
7 (7);

8 (2) by striking the period at the end of para-
9 graph (8) and inserting “; or”; and

10 (3) by adding at the end the following:

11 “(9) effective one year after the date of the en-
12 actment of the Sewage Sludge in Food Production
13 Consumer Notification Act, if it is derived from
14 poultry that were raised, or that consumed animal
15 feed produced, on land on which sewage sludge was
16 applied, unless—

17 “(A) the application of sewage sludge to
18 the land terminated more than one year before
19 the date on which the poultry began to be
20 raised on the land or the date on which the pro-
21 duction of the animal feed on the land com-
22 menced; or

23 “(B) the container bears a label that clear-
24 ly indicates that the egg or egg product was de-
25 rived from poultry that—

1 “(i) were raised on land on which sew-
2 age sludge was applied; or

3 “(ii) consumed animal feed produced
4 on land on which sewage sludge was ap-
5 plied.”.

6 (c) ADULTERATED FOOD UNDER FEDERAL MEAT
7 INSPECTION ACT.—Section 1(m) of the Federal Meat In-
8 spection Act (21 U.S.C. 601(m)) is amended—

9 (1) by striking “or” at the end of paragraph
10 (8);

11 (2) by striking the period at the end of para-
12 graph (9) and inserting “; or”; and

13 (3) by adding at the end the following:

14 “(10) effective one year after the date of the
15 enactment of the Sewage Sludge in Food Production
16 Consumer Notification Act, if it is derived from live-
17 stock that grazed, or consumed animal feed pro-
18 duced, on land on which sewage sludge was applied,
19 unless—

20 “(A) the application of sewage sludge to
21 the land terminated more than one year before
22 the date on which the livestock began grazing
23 on the land or the date on which the production
24 of the animal feed on the land commenced;

1 “(B) the carcass, part thereof, meat or
2 meat food product bears a label that clearly in-
3 dicates that the livestock—

4 “(i) grazed on land on which sewage
5 sludge was applied; or

6 “(ii) consumed animal feed produced
7 on land on which sewage sludge was ap-
8 plied; or

9 “(C) in the case of a carcass, part thereof,
10 meat or meat food product generally offered for
11 sale without labeling, a sign is posted within
12 close proximity of the item to notify consumers
13 that the livestock—

14 “(i) grazed on land on which sewage
15 sludge was applied; or

16 “(ii) consumed animal feed produced
17 on land on which sewage sludge was ap-
18 plied.”.

19 (d) ADULTERATED FOOD UNDER POULTRY PROD-
20 UCTS INSPECTION ACT.—Section 4(g) of the Poultry
21 Products Inspection Act (21 U.S.C. 453(g)) is amended—

22 (1) by striking “or” at the end of paragraph
23 (7);

24 (2) by striking the period at the end of para-
25 graph (8) and inserting “; or”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(9) effective one year after the date of the en-
4 actment of the Sewage Sludge in Food Production
5 Consumer Notification Act, if it is derived from
6 poultry that were raised, or that consumed animal
7 feed produced, on land on which sewage sludge was
8 applied, unless—

9 “(A) the application of sewage sludge to
10 the land terminated more than one year before
11 the date on which the poultry began to be
12 raised on the land or the date on which the pro-
13 duction of the animal feed on the land com-
14 menced;

15 “(B) the poultry product bears a label that
16 clearly indicates that the poultry contained in
17 the product—

18 “(i) were raised on land on which sew-
19 age sludge was applied; or

20 “(ii) consumed animal feed produced
21 on land on which sewage sludge was ap-
22 plied; or

23 “(C) in the case of a poultry product gen-
24 erally offered for sale without labeling, a sign is
25 posted within close proximity of the item to no-

1 tify consumers that the poultry contained in the
2 product—

3 “(i) were raised on land on which sew-
4 age sludge was applied; or

5 “(ii) consumed animal feed produced
6 on land on which sewage sludge was ap-
7 plied.”.

8 (e) RELATION TO NATIONAL ORGANIC PROGRAM.—

9 Nothing in this section or the amendments made by this
10 section shall be construed to modify the prohibition con-
11 tained in part 205 of title 7, Code of Federal Regulations,
12 on the use of sewage sludge, including ash, grit, or
13 screenings from the production of sewage sludge, in or-
14 ganic food production under the National Organic Pro-
15 gram of the Department of Agriculture.

○